

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 9, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-25267 - APPLICANT/OWNER: SOLTERRA HOLDINGS NEVADA, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under Title 19.06.080 for a project in the A-O (Airport Overlay) District.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-25069), Special Use Permit (SUP-25267) and Site Development Plan Review (SDR-25265) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 550-foot high mixed-use development in the A-O (Airport Overlay) District on 0.72 acres adjacent to the southeast corner of 1st Street and Gass Avenue. The overlay district limits height for the parcel to a maximum of 200 feet. This site is one of two independent, but companion, mixed-use developments proposed for the western half of this block.

The subject proposal meets the provisions of Title 19.06.080 for the approval of a building height in excess of the 200-foot height limitation established for this area. The proposed development is compatible with the surrounding area and is in keeping with the objectives and goals of the Downtown Centennial Plan; therefore, approval of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/16/64	The City Council approved a request for a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south.
11/29/07	The Planning Commission is scheduled to hear a Rezoning (ZON-25069) request that proposes to change the zoning on the subject site from C-M (Commercial/Industrial) to C-2 (General Commercial). Staff has recommended approval.
11/29/07	The Planning Commission is scheduled to hear a Special Use Permit (SUP-25070) and Site Development Plan Review (SDR-25072) for a proposed 14-story mixed-use project on the adjacent site to the south. That project is complimentary to the development proposed as a part of this application.
12/06/07	<a href="#">The Planning Commission recommended approval of companion items SUP-25268 and SDR-25265 concurrently with this application.</a>  <a href="#">The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #30/rts).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
06/22/07	A building permit application, plan check OTC-92409, was submitted for the site. This was for a plan check review for the demolition of the multi-family residential structures that were on a portion of the subject site. This permit was reviewed by the Planning and Development Department and issued by the Building and Safety Department the same day it was submitted. This permit has not received a final inspection as of 10/31/07.

<b><i>Pre-Application Meeting</i></b>	
09/27/07	A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, the Building and Safety Department went over the requirements for the placement of the accessible parking spaces and the Public Works Department went over the need for a traffic study and encroachment agreements.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	

<b><i>Field Check</i></b>	
09/27/07	The Department of Planning and Development conducted a site visit that found that this was an undeveloped site that has previously had improvements that have been removed. There is temporary, unscreened chain link fencing around the site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.72

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	MXU (Mixed Use)	C-M (Commercial / Industrial) [Proposed: C-2 (General Commercial)]
North	Multi-family Residential	MXU (Mixed Use)	C-M (Commercial / Industrial)
	Office, Other Than Listed	MXU (Mixed Use)	C-M (Commercial / Industrial)
	Single Family, Detached	MXU (Mixed Use)	C-M (Commercial / Industrial)
South	Undeveloped	MXU (Mixed Use)	C-M (Commercial / Industrial) [Proposed: C-2 (General Commercial)]
East	Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
West	Office, Other Than Listed	MXU (Mixed Use)	C-M (Commercial / Industrial)
	General Retail, Other Than Listed	MXU (Mixed Use)	C-M (Commercial / Industrial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District	X		Y
A-O (Airport Overlay) District (200 Feet)	X		N *
Live/Work Overlay District	X		Y
<b>Trails (Art Trail)</b>	X		N **
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>	X		Y ***
<b>Project of Regional Significance</b>		X	n/a

\* The proposed height of the towers, 550 feet, exceeds the height limitation of 200 feet for this area established by the North Las Vegas Airport Overlay Map portion of A-O (Airport Overlay) District. This special use permit has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

\*\* A condition has been added to the companion Site Development Plan Review (SDR-25265) that the revised site plan depicts the streetscape improvements along South 1<sup>st</sup> Street and at the intersection of 1<sup>st</sup> Street and Gass Avenue so that they conform to Graphic 5 of Section V of the Downtown Centennial Plan.

\*\*\* Pursuant to Ordinance #5227, the project under review outlines a project that meets the threshold that defines a "Project of Significant Impact" as outlined in the ordinance for a development in excess of 500 residential units. The applicant has prepared and submitted, as part of the companion Site Development Plan Review (SDR-25265), an impact report as required by the Ordinance for referral to affected agencies. As of 11/16/07, comments have only been received from the Las Vegas Metropolitan Police Department. The Las Vegas Metropolitan Police Department notes that the proposed development will increase the service population in this area by two percent and that this could result in additional calls for service and response times could increase.

## DEVELOPMENT STANDARDS

***Pursuant to the Downtown Centennial Plan, the following development standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	n/a	38,500 SF	n/a
Min. Lot Width	n/a	140 Feet	n/a

Min. Setbacks			
• Front	0 Feet (at least 70%)	0 Feet	Y
• Side	n/a	0 Feet	n/a
• Corner	0 Feet (at least 70%)	0 Feet	Y
• Rear	n/a	0 Feet	n/a
Max. Lot Coverage	Unlimited	100%	Y
Max. Building Height	n/a	550 Feet (50-Stories)	n/a
Trash Enclosure	Gated and Screened	Enclosure (A part of the building, access from alleyway)	Y
Mech. Equipment	Screened	Screened	Y

## ANALYSIS

The subject site is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and is designated as MXU (Mixed Use). The MXU (Mixed Use) designation allow uses comparable to the following land use categories: L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial). The proposed use is compatible with this land use designation and the neighboring zoning districts, which are intended for higher intensity commercial uses.

There is a Rezoning (ZON-25069) proposed to change the zoning of the subject site from a C-M (Commercial/Industrial) zoning district to a C-2 (General Commercial) zoning district. The proposed uses to be established at this location are permissible in a C-2 (General Commercial) zoning district which is compatible with the MXU (Mixed Use) General Plan designation.

As previously noted, the parcels are within the boundaries of the Las Vegas Redevelopment Area, with a MXU (Mixed Use) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the MXU (Mixed Use) designation.

The site is within the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the towers, 550 feet, exceeds the height limitation of 200 feet for this area. This special use permit has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

This site is within the Live/Work Overlay district. The mixed-use nature of the proposed development will offer employment and housing options on-site; however, the project does not include any live/work units as outlined in Title 19.06.130.

The subject parcels are within the Las Vegas Downtown Centennial Plan boundaries, and are located in the Downtown South district, which is a mixed-use area containing a wide variety of land uses and density of existing utilitarian buildings. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

The site encompasses four parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision, there will need to be a tentative map review and final map technical review prior to any building permits being issued.

Pursuant to Title 19.06.080, the provisions for a Special Use Permit to exceed the height limitation in the 200-foot limitation zone of the A-O (Airport Overlay) District are:

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this subchapter may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Subchapter 19.18.060, except that:
  - a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
  - b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
2. Notwithstanding the preceding provisions of this subchapter, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this subchapter or any amendment thereto

This special use permit has been submitted in conjunction with a Special Use Permit (SUP-25268) to allow a mixed-use development with residential uses in the proposed C-2 (General Commercial) zoning district and Site Development Plan Review (SDR-25265) to site a proposed 50-story mixed-use development that includes 15,000 square feet of commercial space and 700 residential condominium units.

The request to exceed the A-O (Airport Overlay) District height of 200 feet is appropriate in this area, provided all necessary approvals from the Federal Aviation Administration and Clark County Department of Aviation are obtained per Title 19.06.080. Due to the compatibility of this development with the surrounding present and future land use designations, staff is recommending approval of this special use permit.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The design of the development adequately separates the commercial and residential components, and will not significantly impact the adjacent land uses. The Centennial Plan seeks a broad diversity of uses in the downtown area, and states that integrating a successful residential community adjacent to the Downtown is vital to the success of the area. The proposed uses can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and those future uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the intensity of use proposed by the applicant.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

South 1<sup>st</sup> Street, an 80-foot local street, will be the principal vehicular access point for the development with additional access off of the alleyway to the east of the property. Further, the site also abuts Gass Avenue, which will be used by pedestrians patronizing the ground-floor commercial businesses. The site has access to public transportation, which will assist in reducing the number of vehicle trips generated by the development. These access points will not negatively impact adjacent roadways or neighborhood traffic provided the development complies with all conditions of the required Traffic Impact Analysis and any mitigation measures suggested.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Provided that there are no impacts to existing flight routes and patterns, approval of this special use permit will not compromise public health, safety or welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

This special use permit is required as a provision of Title 19.06.080 and has no applicable conditions under Title 19.04. Pursuant to Title 19.06.080, a Director’s Permit application must be approved by the Clark County Department of Aviation prior to the issuance of a building permit.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

16

**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      3

**NOTICES MAILED**      231 by City Clerk

**APPROVALS**      1

**PROTESTS**      1